

# Federal Communications Commission

WASHINGTON, D.C.

BEFORE THE DOCKET FILE COPY ORIGINAL

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JUL - 8 1997

FEDERAL COMMUNICATIONS COMMISSION  
OFFICE OF THE SECRETARY

In the matter of )  
)  
Review of the Commission's Regulations )  
Governing Television Broadcasting )  
)  
Television Satellite Stations )  
Review of Policy and Rules )

MM Docket Nos. 91-221, 87-7,  
94-15, 92-51 and 87-154

## TV LMA INFORMATION

Aries Telecommunication Corporation, the licensee of WGBA(TV), Green Bay, Wisconsin, hereby submits information concerning the Local Marketing Agreement ("LMA") which it has with Ace TV, Inc., the licensee of WACY(TV), Appleton, Wisconsin. This information is filed in response to the Commission request of June 17, 1997 (DA 97-1246), requesting specific information about existing LMAs to be used in evaluating the comments filed in the above-referenced proceedings.

As set forth in the attachment which provides the specific information requested by the Commission, this LMA has assisted a struggling UHF station, purchased by its current licensee out of bankruptcy, become viable. This demonstrates that such agreements are in the public interest.

Respectfully submitted,

**ARIES TELECOMMUNICATION  
CORPORATION**

By

David D. Oxenford

Its Attorney

Fisher Wayland Cooper Leader  
& Zaragoza L.L.P.  
2001 Pennsylvania Avenue, N.W.  
Suite 400  
Washington, D.C. 20006  
(202) 659-3494

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**INFORMATION REGARDING WGBA/WACY LMA**

The following information is submitted to the Federal Communications Commission pursuant to its Public Notice released June 17, 1997 requesting information regarding television LMAs. This information is submitted on behalf of both the Brokering Station and the Brokered Station involved in this particular LMA.

**(1) Brokering Station**

Licensee:	Aires Telecommunication Corporation
Call Letters:	WGBA
Channel No.:	26
Community of License:	Green Bay, Wisconsin

**Brokered Station**

Licensee:	Ace TV Inc.
Call Letters:	WACY
Channel No.:	32
Community of License:	Appleton, Wisconsin

(2) The Brokering and Brokered Stations are in the same Nielsen Designated Market Area, which is Appleton/Green Bay, and the rank is 70.

(3) The Brokering and Brokered Stations have overlapping signal contours.

The Brokered Station's 80.0 dBu F(50,50) principal community ("City Grade") contour is totally encompassed by the Brokering Station's 80.0 dBu, F(50,50) principal community ("City Grade") contour.

The Brokered Station's 74.0 dBu F(50,50) ("Grade A") service contour is totally encompassed by the Brokering Station's 74.0 dBu, F(50,50), or greater ("Grade A") service contour.

The Brokered Station's 64.0 dBu F(50,50) ("Grade B") service contour is totally encompassed by the Brokering Station's 64.0 dBu, F(50,50), or greater ("Grade B") service contour.

(4) The Brokering and Brokered Stations entered into an LMA on June 7, 1993. At that time, the Brokered Station was off air and the LMA was to take effect when the Brokered Station was brought back on air, which occurred on June 2, 1994.

(5) The LMA was originally for a term of one (1) year with automatic renewals of one (1) year each thereafter, provided that either party could cancel the LMA at any time upon ninety (90) days advance notice. Subsequently, on August 9, 1996, the sole stockholder and principal officer and director (Carl J. Martin) of Ace TV Inc., the licensee of the Brokered Station, passed away. Mr. Martin's interest succeeded to his estate, which is presently in probate. As a result, soon after the death of Mr. Martin, the LMA was extended for a term running until January 1, 2018, provided that both parties continue to have the right to terminate upon ninety (90) days advance written notice to the other party.

(6) The percentage of the Brokered Station's weekly broadcast hours which are brokered to the Brokering Station is 94%.

(7) The Brokering Station is presently affiliated with NBC. The NBC affiliation became effective on August 28, 1995. Prior to that, the Brokering Station was a Fox affiliate from February 15, 1992 to August 27, 1995, and before that was not affiliated with any broadcast television network.

The Brokered Station has been affiliated with UPN since January 16, 1995. Prior to that, the Brokered Station was not affiliated with any broadcast television network.

All relationships between stations and networks have been and are affiliation, not ownership.

(8) The reported Nielsen all-day audience share for the Brokering Station for the last three (3) most recent rating periods was as follows:

<u>Rating Period</u>	<u>Share</u>
November, 1996	14
February, 1997	12
May, 1997	13

The reported Nielsen all-day audience share for the Brokered Station for the last three (3) most recent rating periods was as follows:

<u>Rating Period</u>	<u>Share</u>
November, 1996	3
February, 1997	4
May, 1997	4

(9) The Brokering Station (formerly WLRE) has been the subject of two (2) bankruptcy reorganization proceedings -- one commenced in the Eastern District of Wisconsin on January 29, 1985, which resulted in a bankruptcy approved sale of that station in late 1985, and a second commenced in the Middle District of Florida, Tampa Division, on April 7, 1989, with a bankruptcy approved sale of that station in 1991.

The Brokered Station (formerly WXGZ) was the subject of a bankruptcy reorganization and subsequent liquidation in the Northern District of Georgia, Atlanta Division, filed in 1991, with asset sale occurring in 1992. Following that sale, the Brokered Station went off air until June 2, 1994.

The LMA has rendered the Brokered Station viable. The LMA relationship has provided residents of Appleton, Wisconsin, which is the principal community served by the Brokered Station, with their only local television station and means of visual self expression. The LMA further provides program diversity to residents of the Appleton/Green Bay television market, and enables the Brokered Station to broadcast programming in the public interest which would otherwise not be available in the Appleton/Green Bay television market.